



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

MINOR PERMIT MODIFICATION

Class I Well Suckla Farms #1
EPA Permit #CO1516-02115

Pursuant to Part III, Section B. 1. of the above-referenced Class I Underground Injection Control (UIC) permit, a modification to said permit is to be made. Changes to the original version of Part II, Section C. 4. (a) are as follows:

Original version:

4. Injection Pressure Limitation.

- (a) Injection pressure, measured at the surface, shall not exceed 2,397 pounds per square inch gauge.

Is Modified to read:

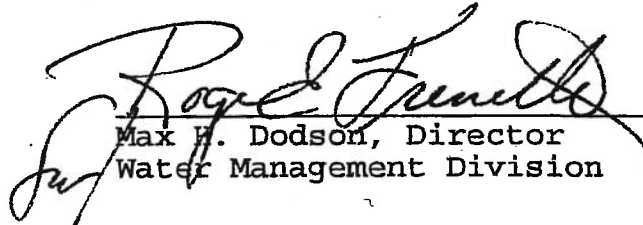
4. Injection Pressure Limitation.

- (a) Injection pressure, measured at the surface, shall not exceed 3,700 pounds per square inch gauge.

All other provisions and conditions of the final permit for the Suckla Farms #1 well remain as originally issued.

December 3, 1993

Date


Max H. Dodson, Director
Water Management Division

EPA Permit #CO1516-02115
Page 1 of 1

RECORD OF COMMUNICATION		<input checked="" type="checkbox"/> PHONE CALL <input type="checkbox"/> DISCUSSION <input type="checkbox"/> FIELD TRIP <input type="checkbox"/> CONFERENCE <input type="checkbox"/> OTHER (SPECIFY)			
		(Record of item checked above)			
TO:	V. Conson	FROM:	Ken Mersfelder	DATE	10/13/93
				TIME	12:40
SUBJECT Suckla Fms #1					
SUMMARY OF COMMUNICATION					
<p>Ken called & said have pressure on annulus. Tubing Press. is 750 psi when pumping, then annulus pressure builds up to 750 psi. Tomorrow will run tool to test for tubing leak. Then fish for standing valve to see if have packer leak. If not will pull tubing with workover rig.</p> <p>10/19/93 12:50 PM Ken called, said will do MIT tomorrow 10/20/93, State will witness, he will send in results.</p>					
CONCLUSIONS, ACTION TAKEN OR REQUIRED					
INFORMATION COPIES					
TO:					

Martin J. Wohnlich
Wright's Disposal, Inc.
CO1516-02115
Page 2

cc: Glenn F. Mallory w/enclosures
Colorado Department of Health

John S. Pickle w/enclosures
Weld County Health Department

Ken Mersfelder
Wright's Disposal, Inc.

RECORD OF COMMUNICATION		<input checked="" type="checkbox"/> PHONE CALL <input type="checkbox"/> DISCUSSION <input type="checkbox"/> FIELD TRIP <input type="checkbox"/> CONFERENCE	
		<input type="checkbox"/> OTHER (SPECIFY) _____ (Record of item checked above)	
TO: Martin Vohnlich Wright's Disposal	FROM: V. Carson	DATE: 2/18/93	TIME: 8:40
SUBJECT: 988-4500			

SUMMARY OF COMMUNICATION

Called Martin about report of fire at Suckla Fms #1 well. He said fire was Friday, Feb. 5. Separator tank where oil & water is separated caught fire. Lot of smoke, but no damage or injury. Fire Dept. came to check cause of fire. He will send us the report. Cause undetermined, but maybe static electricity or a pilot light. Putting in new separator tank with foam control to prevent future fires. Martin will keep us informed of events at the well in the future.

CONCLUSIONS, ACTION TAKEN OR REQUIRED

INFORMATION COPIES

TO:

Paul, Tom

RECORD OF COMMUNICATION

☒ PHONE CALL ☐ DISCUSSION ☐ FIELD TRIP ☐ CONFERENCE
☐ OTHER (SPECIFY)

(Record of this call is being made)

Ken Mersfelder

FROM: V. Carson

DATE 7/6/93

TIME 9:25

SUBJECT: 8-303-426-8911

SUMMARY OF COMMUNICATION

MEMORANDUM OF CALL



EPA REGION VII



TO: John C Randy
PHONED BY: Ken Mersfelder VISITED BY:

ORGANIZATION

PHONE NUMBER

PLEASE CALL ☐

WILL CALL AGAIN ☐

WANTED TO SEE YOU ☐

RETURNED YOUR CALL ☐

MESSAGE

DATE

TIME

RECEIVED BY

Returned call - Randy answered phone.
Ken said test scheduled for morning of July 8, also July 9.
Confirmed with him about not running downhole pressure bomb - would have to pull tubing & packer.
Also, can they run RATS? Do two passes with temp. log - yes.

CONCLUSIONS, ACTION TAKEN OR REQUIRED

Called Ken back @ 11:00 A.M. Paul said RATS OK, but Ken said thought had company lined up for Oxygen log. Can run RATS with Temp. log. Three passes: 1) while injecting 2) shut-in then run 2 hrs later & 3) 4 hrs. later
I will be there Friday.

RECORD OF COMMUNICATION		<input checked="" type="checkbox"/> PHONE CALL <input type="checkbox"/> DISCUSSION <input type="checkbox"/> FIELD TRIP <input type="checkbox"/> CONFERENCE <input type="checkbox"/> OTHER (SPECIFY) 988-4500			
		(Record of item checked above)			
TO: J. Carson	FROM: Martin Wahnlich Wright's Disposal	DATE: 4/9/93			
SUBJECT: Suckla Fms #1 Class I permit.		TIME: 9:45			

SUMMARY OF COMMUNICATION

Update on law suit: landowner Suckla Vs. Wright's.

Martin said an out-of-court settlement was reached yesterday. Just a matter of Suckla wanting more money.

Suckla's lawyer mentioned to Martin that the Class I permit could be assigned to Suckla so that he could monitor what goes into well.

Told Martin that permit could only be issued to the operator of the well. If Suckla wanted the permit, then he would have to apply for a permit and drill his own well.

CONCLUSIONS, ACTION TAKEN OR REQUIRED

Told Martin no word from Headquarters on the petitions, but too check with Peggy L.

OPERATION COPIES

TO: Tom, Chuck, Paul

RECORD OF COMMUNICATION

☒ PHONE CALL ☐ DISCUSSION ☐ FIELD TRIP ☒ CONFERENCE
☐ OTHER (SPECIFY)

(Record of item checked above)

TO: File FROM: J. Carson DATE: 6/25/93
Mr. Wright no longer connected with company TIME: 1:00

SUBJECT: Testing procedure: Wright's Sockla Fms #1

SUMMARY OF COMMUNICATION

Office meeting with Martin Wornlich and Ken Mersfelder. Ken is Manager for three wells, supervises Ron Veik (Vike) who is Plant Manager at well site (857-0655). Ken has office in Ft. Lupton.

(426-8911) also reply to environ. audit proposal. Need letter approving permit and permission to do initial testing. Move effective date of permit ahead to final petition resolution, etc. (June 7?) Set dates to do MIT, Step-rate, Pressure Fall-off Oxy-Act, Temp. log for July 8 & 9. Want to substitute RATS for Oxy-Act which costs \$8,000-\$10,000.

After last workover, set new packer at 9149', 120' above pents. New plastic lined tubing. Larry Robbins says when permit becomes effective, COGCC is no longer involved with well.

CONCLUSIONS, ACTION TAKEN OR REQUIRED

Class II fluids reported to State have been by Company, well Volume. Sufficient for EPA(?) Initial source will be Monfort filtered SW from tanning operation. 200-300 Bbls per week from Monfort. Will send in analysis. Test 2 or 3 Times afterward. Monfort says they want a "Disposal Certificate" from Wright certifying that fluid was disposed in well. Is this required?

COPIES

Ken Mersfelder is Vice President of Wright's Disposal, Inc.

RECORD OF
COMMUNICATION

☒ PHONE CALL ☐ DISCUSSION ☐ FIELD TRIP ☐ CONFERENCE
☐ OTHER (SPECIFY)

(Record of item checked above)

TO: J. Carson

FROM: Martin Wohlenlich

DATE 6/18/93

TIME 9:30

SUBJECT: Suckla Farms #1

SUMMARY OF COMMUNICATION

Martin called about letter I am to write to him (after conferring w/ Peggy L.)

FAX 988-7962

Wants to have guidance on Weld County statement that he needs a Special Use Permit. State Health Dept. told him this was up to EPA.

Set up meeting for 9:00 AM Friday June 25 to go over permit requirements.

6/18/93 Peggy L. says probably right to send letter to Martin (Max Signature) authorizing him to proceed with tests, etc.

CONCLUSIONS, ACTION TAKEN OR REQUIRED

RECORD OF
COMMUNICATION

☒ PHONE CALL ☐ DISCUSSION ☐ FIELD TRIP ☐ CONFERENCE
☐ OTHER (SPECIFY)

(Record of item checked above)

TO: J. Carson

FROM: Martin Wahnlich
Wrights

DATE 6/17/93
TIME 8:30

SUBJECT

SUMMARY OF COMMUNICATION

Martin Wahnlich called about receiving approval for Suckla Farms #1. He will wait for written instructions from me. He has firms lined up for the Environmental Audit. (He got appeals report.)

Martin is having meeting today with Mr. Suckla to work out a final settlement agreement. Suckla is tired of problem and legal expense. Suckla has a list of site improvements which Martin mostly agrees with, such as a cement berm around the site

Robert Fullop's replacement as Manager at Ft. Hupton is Ken Mersselder

426-8911

CONCLUSIONS, ACTION TAKEN OR REQUIRED

RECORD OF COMMUNICATION

☒ PHONE CALL
 ☐ DISCUSSION
 ☐ FIELD TRIP
 ☐ CONFERENCE
☐ OTHER (SPECIFY)

(Record of item checked above)

TO:

J Carson

FROM:

Martin Wholich
988-4500

DATE

10/5/94

TIME

2:00

SUBJECT

Suckla Farms #1

SUMMARY OF COMMUNICATION

Returned call to Martin. He said will have meeting with Weld County Commissioners on Nov. 2. Should be ready to inject after that.

Wanted to know about the 8.3 MMB volume limit in permit. When does it start.

10/6/94 Called Martin back, told him the 8.3 MMB was total cumulative from 1989 Class II injection began. Said could be modified later if needed. He said they have injected about 2 MMBW to date.

CONCLUSIONS, ACTION TAKEN OR REQUIRED

INFORMATION COPIES

TO:

STATE OF COLORADO

COLORADO DEPARTMENT OF HEALTH

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
Denver, Colorado 80222-1530
Phone: (303) 692-2000

Laboratory Building
4210 E. 11th Avenue
Denver, Colorado 80220-3716
(303) 691-4700



Roy Romer
Governor

Patricia A. Nolan, MD, MPH
Executive Director

August 12, 1993

Martin J. Wohnlich
Wright's Disposal, Inc.
2323 South Wadsworth, Suite 103
Denver, Colorado 80227

Re: Non-Hazardous Liquid Waste Disposal and Appropriate Permitting

Dear Mr. Wohnlich:

Your letter of July 19, 1993, was referred to the staff of the Hazardous Materials and Waste Management Division for review and comment. They have advised me that non-hazardous waste liquid disposal is governed by the Colorado Solid Waste Act (30-20-100.5 et seq., CRS 1993). This may, on the surface, appear to be an inappropriate statutory reference, however, Colorado law defines "solid waste" as including liquid waste streams and defines "solid waste disposal" as any collection, storage, treatment, processing or final disposal of such wastes.

The Solid Waste Act requires a certificate of designation for any centralized, commercial site that engages in liquid waste disposal activities. The issuance of a certificate of designation is a permitting process that includes both a state and local review process.

Since the disposal of non-hazardous waste liquids is regulated by independent state statutory authority, the issue of whether the federal government has or has not delegated the Underground Injection Control (UIC) program to the Water Quality Control Division of this department is not germane to this discussion. I am sorry if the information you received from the EPA and the letter you received from Ms. Nelson led you to believe that no state or local permitting program or process would be included in your proposed site approval.



DEPARTMENT OF HEALTH

1517 - 16 AVENUE COURT
GREELEY, COLORADO 80631

ADMINISTRATION (303) 353-0586
HEALTH PROTECTION (303) 353-0635
COMMUNITY HEALTH (303) 353-0639

June 24, 1993

Mr. Tom Pike, Section Chief
8WM-DW
United States Environmental Protection Agency
Region VIII Office
999 18th Street, Suite 500
Denver, Colorado 80202-2405

*Call Pickle
go later or
when convenient even
Called Pickle 7/19/93*

Dear Tom:

This letter will confirm our telephone conversation of June 22, 1993 regarding Wright's Injection (Suckla Farms). It is our understanding that a permit to accept Class I waste has been issued to this facility by the Environmental Protection Agency. We received this information, not from your office, but from the concerned community. This appears to be an obvious lack of communication between our two agencies, which should not exist.

The issuance of this permit by your office completely changes the status of this facility with regard to the County's land use regulations. Wright's Injection will now be required to apply for a Use by Special Review Permit and a Certificate of Designation, both of which require a public hearing prior to acceptance of any Class I waste. We have notified the facility of this fact subsequent to my conversation with you on the 22nd, and your confirmation of their new status. This lack of communication, however, creates the opportunity for misunderstanding and future potential legal issues, which could, and should, have been avoided.

This letter is a request that this situation be corrected, and that in future similar situations someone in the County be notified. Further, this notification should come at the beginning of the application process, not just when a final decision is made.

It is our understanding that the EPA will be conducting routine inspections of this facility for compliance. Our Division will also be conducting inspections of the facility. We would hope that you will notify our Division of the dates of your inspections so that we might accompany your inspector. This is a relationship which we now have with the Oil and Gas Conservation Commission, and which has worked well in our regulation of the Class II underground injection wells.

RECORD OF COMMUNICATION

☒ PHONE CALL ☐ DISCUSSION ☐ FIELD TRIP ☐ CONFERENCE
☐ OTHER (SPECIFY)

(Record of item checked above)

TO: John Pickle
Weld County

FROM:

DATE 7/16/93

TIME 10:00

SUBJECT Environmental Prot. Services Div. (303) 353-0586

SUMMARY OF COMMUNICATION

Called John Pickle regarding his letter of 6/24/93 to Tom Pike about lack of communication with him concerning Wright's Suckla Fms #1 Class I well.

Told him about tests conducted on well last week, prior to giving Wright's authorization to inject Class I wastes. He will receive copy of letter when issued.

Also told him one of his people could accompany us on future well inspections. Wright's also told me that Weld Co. could inspect well on their own, but any inspection complaints had to go through EPA.

Pickle was satisfied and wants to be kept

CONCLUSIONS, ACTION TAKEN OR REQUIRED

informed about the well so he can keep County Commissioners updated.

He understands that any Weld Co. permit for well is not EPA's concern.

FORMATION COPIES

Tom, Paul

5. The Lease allows Wright's Disposal to inject brine water into an aquifer underlying the Property in exchange for payment from Wright's to Suckla of \$2,500 a year in rent. This annual fee is payable in monthly installments of \$208.34.

6. The Lease does not authorize Wright's to inject any material other than brine water into the Property. At no time has Suckla ever agreed to permit the injection of hazardous, toxic or noxious substances on its property.

(Defendant's Injection of Hazardous, Toxic or Noxious Substances Into the Property)

7. On information and belief, Wright's has injected brine water into the well located on Suckla's property at various times during a period beginning after May 1989 and continuing through the present, and continues to do so.

8. On information and belief, Wright's has also injected oil production waste into the Property that includes chemicals other than brine water, including without limitation the following hazardous, toxic or noxious substances: toluene, benzene, ethylbenzene, and xylene.

9. On information and belief, at least some of the oil production waste injected into the Property by Wright's has been purposely mixed by, or on behalf of, the generator of the oil production waste with spent solvents and other waste chemicals that contain hazardous, toxic or noxious substances, including without limitation toluene, benzene, ethylbenzene, and xylene.

(Spills and Leaks)

10. During the process of accepting, storing and injecting contaminated oil production waste into the Property, Wright's has caused various spills of contaminated substances onto the ground surface of property owned by Suckla, including without limitation the Property.

11. During the process of accepting contaminated oil production waste for injection into the Property, Wright's has granted other parties access to the Property and allowed those parties to spill and leak contaminated substances onto the ground surface of property owned by Suckla.

12. At times, including without limitation periods of rain and melting snow, surface water has flowed over property contaminated by Wright's conduct and onto other property owned by Suckla, carrying contaminated soil and debris along with it and injuring cultivated fields. On at least one occasion during the spring of 1991, precipitation washed over the contaminated areas

and into Suckla's cultivated fields killing a substantial portion of the planted crop. On information and belief, Wright's conduct will continue to cause such contamination and injury to Suckla's property.

13. Wright's continues to spill and threaten to spill contaminated substances onto the ground surface of property owned by Suckla, including without limitation the Property, and to allow others to spill, leak and threaten to spill and leak contaminated substances onto the ground surface of property owned by Suckla, including without limitation the Property.

14. Wright's conduct in causing spills and leaks, and granting access to others who cause spills and leaks; results in actual and potential contamination of property owned by Suckla and poses a significant risk of contamination to off-site properties with hazardous, toxic or noxious substances, including without limitation toluene, benzene, ethylbenzene, and xylene.

15. As a result of the Wright's conduct, spills of contaminated liquid to Suckla's property and resulting actual and potential injury to that property are continuing and recurrent.

(Defendant's Application for a Permit to
Inject Industrial Wastes)

16. On or about June 12, 1989, Wright's applied to the U.S. Environmental Protection Agency ("EPA") for a "Class I permit" to inject industrial waste fluids (other than oil production wastes) into the Lyons Formation on the Property. The fluids covered by Wright's permit application include, without limitation, reclaimed water associated with removal of underground fuel storage tanks and contaminated surface water from construction sites. These fluids are not described by the term "brine water." These fluids contain substances designated as "hazardous substances" by EPA under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9602.

17. On or about August 21, 1992, EPA announced issuance of a draft permit.

18. EPA's August 21, 1992 announcement led to the discovery by Suckla of the highly contaminated nature of the oil production waste that Wright's routinely injects into the Property.

19. Wright's persisted in its application for a "Class I permit" though a December 5, 1991 public hearing and continues to persist in its application.

20. On or about June 16, 1992, EPA issued a final "Class I permit" to Wright's. The permit is stayed and is not in effect pending appeals by the City of Fort Lupton and Suckla. On page 3 of its Response to Comments regarding the permit, EPA stated: "The EPA's issuance of this permit does not constitute a binding legal determination concerning the rights [or] ... privileges ... of the parties of the lease. The final permit itself states in Part III(A): 'Issuance of this permit does not convey property rights of any sort ... nor does it authorize any injury to persons or property, [or] any invasion of other private rights ...'"

21. On information and belief, Wright's intends to inject industrial wastes other than oil production wastes into the Property once Wright's "Class I permit" from EPA becomes effective.

(Plaintiff's Demand and Defendant's Refusal
to Desist and Make Restitution)

22. On April 9, 1992, Suckla demanded in a writing sent by certified mail that Wright's cease and desist from engaging in the conduct and creating the nuisance complained of herein and that Wright's pay Suckla damages and restitution. Wright's refused to comply.

(Injury to Plaintiff)

23. Suckla's owns and operates other property, located at 4468 Weld County Road 19, Fort Lupton, Colorado 80621, which is contiguous to the Property. Suckla's use and enjoyment of that other property is threatened and interfered with by Wright's actual and threatened disposal at the Property of hazardous, toxic or noxious substances, including without limitation toluene, benzene, ethylbenzene and xylene, and by spills of contaminated wastes on the Property and Suckla's other property caused by Wright's conduct.

24. Wright's injection of oil production waste (including without limitation associated spills and leaks) and threatened injection of other industrial wastes at the property causes and threatens to continue to cause, the following injury to Suckla:

- a. Injury to the physical aspects of the property owned by Suckla, including without limitation the Property;
- b. Diminution of the value of property owned by Suckla, including without limitation the Property;
- c. Imposition of potential liability for cleanup costs on Suckla and its directors and stockholders;

d. Loss or limitation of the ability to sell, convey, or otherwise transfer title of property owned by Suckla, including without limitation the Property, because such property is, or is perceived to be, unfit for useful purposes in its present condition;

e. Costs and expenses, including without limitation expert evaluation of the Site, production of an expert report, and costs of participation, including attorney fees and other legal costs, in the EPA permitting proceeding.

25. There is no plain, speedy and adequate remedy at law available to Suckla for the wrongs complained of herein. There would be a need for a multiplicity of actions to obtain relief through recovery of damages only.

26. The actual and threatened injury to Suckla is real, immediate, irreparable, continuing and recurrent and the threat of future injury may be prevented or reduced by entry of injunctive relief.

27. On information and belief, Wright's intends to continue the conduct complained of and will continue and repeat that conduct until enjoined by this Court.

FIRST CLAIM FOR RELIEF
(Breach of Contract)

28. Paragraphs 1 through 27, above, are adopted by reference.

29. Suckla has performed all duties and met all conditions precedent under the Lease.

30. Wright's continuing efforts to obtain a permit to inject industrial wastes other than oil production wastes are inconsistent with, and breach, the Lease.

31. Wright's has exceeded the authority of, and thus breached, the Lease by spilling, leaking and allowing others to spill and leak oil production wastes containing hazardous, toxic or noxious substances, including without limitation toluene, benzene, ethylbenzene, and xylene onto property owned by Suckla.

32. Wright's has exceeded the authority of, and thus breached, the Lease by injecting and continuing to inject oil production wastes containing hazardous, toxic or noxious substances other than brine water, including without limitation toluene, benzene, ethylbenzene, and xylene into the Property.

JAN 27 '93 09:15 CDD:012 & GHS CORP. 120

33. Wright's conduct and its continuous refusal at the request of Suckla to cease its unauthorized behavior constitute breaches of the Lease.

34. As a result of Wright's breach, Suckla has in the past sustained, and in the future will sustain, the injuries and damages described of in paragraphs 23 - 24.

SECOND CLAIM FOR RELIEF
(Continuing Nuisance)

35. Paragraphs 1 through 27, above, are adopted by reference.

36. Wright's acts associated with injection of contaminated oil production waste into the Property, and the resulting injury to Suckla's property, have interfered, and continue to interfere, with Suckla's use and enjoyment of its property.

37. Wright's interference with Suckla's use and enjoyment of Suckla's property is both unreasonable and substantial.

38. Wright's acts and omissions constitute a nuisance.

39. The nuisance created by Wright's is a continuing nuisance in that if Wright's ceased the activity complained of and took appropriate response actions, the nuisance would be abatable.

40. As a result of the nuisance caused by Wright's, Suckla has in the past sustained, and in the future will sustain, the injuries and damages described of in paragraphs 23 - 24.

THIRD CLAIM FOR RELIEF
(Trespass)

41. Paragraphs 1 through 27, above, are adopted by reference.

42. Beginning at a time after May 16, 1989 and continuing through the present, Wright's has caused or permitted hazardous, toxic or noxious substances to enter Suckla's property and to contaminate Suckla's surface and subsurface soils and groundwater without legal right and without the consent of Suckla.

43. Wright's has acted or failed to act with a wanton and reckless disregard for Suckla's rights.

44. As a result of the trespasses onto Suckla's property committed by Wright's, Suckla has in the past sustained, and will

in the future sustain the injuries and damages described on of in paragraphs 23 - 24.

FOURTH CLAIM FOR RELIEF
(Unjust Enrichment)

45. Paragraphs 1 through 27, above, are adopted by reference.

46. As a result of conduct injurious to Suckla, Wright's has obtained compensation from its injection of hazardous, toxic or noxious substances, including without limitation toluene, benzene, ethylbenzene, and xylene, into the Property. Wright's has thus profited from an unauthorized use of Suckla's land and such profits rightfully belong to Suckla.

47. Under the circumstances it is unfair for Wright's to retain such compensation.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

A. With respect to the First, Second, and Third claims for relief and pursuant to C.R.C.P. 57, that a declaratory judgment issue in favor of Plaintiff against Defendant declaring that the Lease does not authorize or permit Wright's to inject industrial waste fluids other than oil production wastes into the Property notwithstanding any "Class I permit" obtained from EPA.

B. With respect to the First, Second, and Third claims for relief and pursuant to C.R.C.P. 57, that a declaratory judgment issue in favor of Plaintiff against Defendant declaring that the Lease does not authorize or permit Wright's to inject oil production wastes that contain significant concentrations of chemicals other than brine water into the Property.

C. With respect to the First, Second and Third Claims for Relief, that judgment enter in favor of Plaintiff against the Defendant, enjoining Defendant on a preliminary and permanent basis from:

a. Continuing to inject from or into the Property oil production waste that contains hazardous, toxic or noxious substances, including without limitation toluene, benzene, ethylbenzene, and xylene;

b. Taking any other action that would result in further contamination or pollution of Plaintiff's property; and

VERIFICATION

The undersigned, Frank Suckla, being first duly sworn, states that he is an officer authorized to act on behalf of the Plaintiff in the above-referenced entitled action, that he has read the Verified Complaint, and that the facts contained herein are true and correct to the best of his personal knowledge.

Frank Suckla
Frank Suckla

STATE OF Colorado
COUNTY OF Weld

SUBSCRIBED AND SWORN to before me this 11th day of January, 1993, by Frank Suckla.

[Signature]
Notary Public 11712th St, Ft. Lupton, CO 80621

My Commission Expires: 4-28-93

RECORD OF COMMUNICATION	<input checked="" type="checkbox"/> PHONE CALL <input type="checkbox"/> DISCUSSION <input type="checkbox"/> FIELD TRIP <input type="checkbox"/> CONFERENCE <input type="checkbox"/> OTHER (SPECIFY)	
(Record of item checked above)		
TO: J. Canson	FROM: Doug Dowden Conquest	DATE: 12/3/93 TIME: 11:00
SUBJECT: Wright's Sockla Fmst #1		
SUMMARY OF COMMUNICATION <p>Doug Dowden had talked to Ed D. Matteo and found a pressure fall-off test had been run in Wright's disposal well. He wants a copy.</p> <p>Conquest has an injection well in the Lyons. Inject around 4 bbl/min, more than Wright's well. Conquest inj. pressure is about 600 psi which he says is mostly friction. Every morning well injects on vacuum.</p> <p style="text-align: right;">Doug Dowden Conquest Oil Co. 25849 Weld County Rd. 46 Kersey, CO 80644</p>		
CONCLUSIONS, ACTION TAKEN OR REQUIRED <p>Sent zerox'd pages of Fall-off test to Dowden 12/6/93</p>		
INFORMATION COPIES TO:		

Sockle Fms #1

In Compliance File

MIT 7/9/93

MIT (COGCC) 10/16/93

Insp. Rpt 7/12/93

Indp Rpt. 7/9/93

Monitoring Rpt. Oct - Dec 1993

No Class I Injection

Monitoring Rpt. Jan - Dec 1994

No Class I Injection in 1994

First Class I fluid injection was Oct. 4, 1995

NOTE TO FILE:

**WRIGHT'S DISPOSAL is an existing
UIC operator.**

**There are no known violations in the
the operator compliance history.**

Daniela Thigpen

10-12-93
DATE

RECORD OF COMMUNICATION		<input checked="" type="checkbox"/> PHONE CALL <input type="checkbox"/> DISCUSSION <input type="checkbox"/> FIELD TRIP <input type="checkbox"/> CONFERENCE <input type="checkbox"/> OTHER (SPECIFY)			
		(Record of item checked above)			
TO: Martin Wohnlich 988-4500		FROM: J. Carson		DATE: 10/7/93	
				TIME: 3:00	
SUBJECT: Suckla Fms #1					
SUMMARY OF COMMUNICATION <p>Returned call to Martin; He said they were applying for permits from the State and Weld County next week. State requires "Cent. of Designation" Weld Co. requires "Special Use Permit" - 15000. Fee Told Martin pressure increase could go as Minor Mod., but Area increase to 1/2-mile is Major Mod. and would be Public Noticed and all parties notified. Also Volume statement in permit says has to be determined 8,300,000 bbl is reached and on pressure fall-off tests.</p>					
CONCLUSIONS, ACTION TAKEN OR REQUIRED <p>He agreed to let the volume issue ride for now, but wants a letter stating that he can apply for Mod. when cum. volume gets close.</p>					
INFORMATION COPIES TO:					

RECORD OF COMMUNICATION

☒ PHONE CALL ☐ DISCUSSION ☐ FIELD TRIP ☐ CONFERENCE
☐ OTHER (SPECIFY)

(Record of item checked above)

TO: V. Carson

FROM: Martin Wahnlich
Wrights

DATE 9/10/93

TIME 10:50

SUBJECT Suckla Fms #1 988-4500

SUMMARY OF COMMUNICATION

Martin will send in letter requesting pressure increase and extension of AOR.
Reason is the Weld County Certificate of Designation procedure. If this is done later (modification) then Weld County require whole new permitting process. Martin wants our permit modification done before he pursues the Weld Co. CD. Weld County's CD fee is \$15000, plus the hourly review charge by the state.

CONCLUSIONS, ACTION TAKEN OR REQUIRED

INFORMATION COPIES

TO:

Ref: 8WM-DW

MEMORANDUM

DATE: September 3, 1993

FROM: John Carson
UIC Implementation Section

TO: Tom Pike, Chief
UIC Implementation Section

SUBJECT: Meeting with Colorado Dept. of Health HMWMD and
Wright's Disposal, Inc.
4300 Cherry Creek Drive South
Denver, CO 80222-1530

Purpose of Meeting:

This meeting was held in the office of Pamela Harley, Program Manager, Hazardous Materials and Waste Management (HMWMD) at 10:00 AM September 3, 1993. Attendees were:

Pamela Harley	HMWMD	Martin Wohnlich	Wright's
Glenn Mallory	HMWMD	John Carson	EPA

The meeting was called as a result of an August 12, 1993, letter to Martin Wohnlich from HMWMD informing him that a "Certificate of Designation" was required for the disposal of non-hazardous liquid wastes in the Suckla Farms #1 well. This is in addition to the Class I permit issued by EPA.

Discussion revealed that the State does not require a Certificate of Designation, but Weld County does. However, the State reviews and coordinates the process along with the County and does have a final veto power. The procedure with Weld County involves Wright's submitting an application to the County, followed by a public comment period, public meeting, and possible public hearing. Martin had previously submitted an application to Weld County, but will do so again next week.

For Martin's guidance, Ms. Harley informed him that Colorado Services, Inc. (CSI) had obtained a Certificate of Designation from Adams County for the disposal of waste. She is in favor of the Suckla Farms #1 well in that the Front Range area needs facilities for the disposal of wastes.

I gave Glenn Mallory a copy of our Class I Permit, Statement of Basis, and Responsiveness Summary for his information. Will also send him a copy of our Authorization to Inject letter which should be mailed out today to Wohnlich and others.

FCD: September 7, 1993, carson, jac, A:\WRIGHT-3.MEM

RECORD OF COMMUNICATION

☒ PHONE CALL ☐ DISCUSSION ☐ FIELD TRIP ☐ CONFERENCE
☐ OTHER (SPECIFY)

(Record of item checked above)

TO:

J. Carson

FROM:

Nancy Marsh
Region IV

DATE

8/31/93

TIME

SUBJECT

Sockla Fms #1

SUMMARY OF COMMUNICATION

Nancy Marsh wanted our example of
what fluids can be injected into Class I
well.

FAX'd several pages of permit to
(404) 347-1799

CONCLUSIONS, ACTION TAKEN OR REQUIRED

INFORMATION COPIES

TO:

**RECORD OF
COMMUNICATION**☒ PHONE CALL ☐ DISCUSSION ☐ FIELD TRIP ☐ CONFERENCE
☐ OTHER (SPECIFY)

(Record of item checked above)

TO:

J. Carson

FROM:

Martin Wahnlich
Wright's

DATE

8/16/93

TIME

10:05

SUBJECT

SUMMARY OF COMMUNICATION

Martin called to see if I got copy
of letter from Colorado Dept. of Health.
He will FAX copy of his letter.
Dept. of Health says he needs a "Certificate
of Designation"

CONCLUSIONS, ACTION TAKEN OR REQUIRED**INFORMATION COPIES**

TO:

**RECORD OF
COMMUNICATION**☒ PHONE CALL ☐ DISCUSSION ☐ FIELD TRIP ☐ CONFERENCE
☐ OTHER (SPECIFY)

(Record of item checked above)

TO:

J. Carson

FROM:

Glenn Mallory

DATE

8/16/93

TIME

1:50

SUBJECT

Wright's Suckla Fms #1

SUMMARY OF COMMUNICATION

Glenn Mallory called to get EPA Regs for Class I nonhazardous wells.

Martin Wahnlich had FAXed me copy of the Dept. of Health letter this morning.

Sent Class I Regs. and the Revised Statement of Basis to Mallory 8/16/93 Also with note stating well had passed MIT, etc and soon to be authorized to inject.

CONCLUSIONS, ACTION TAKEN OR REQUIRED**INFORMATION COPIES**

TO:

George Dancik - RCRA

7/26/93

Regs. have changed recently:

Don't say EP Corrosivity
EP Ignitability
EP Reactivity

Now state to test for: Characteristic of Corrosivity
Characteristic of Ignitability
Characteristic of Reactivity

Toxicity using TCLP method.

George said the 3/12/93 Warren Analytical & Biologicals
lab analysis and Wyoming DEP letter is sufficient
to designate Montfort waste as nonhazardous.
There is nothing there to have any Reactivity.

For any new source, Martin should receive analysis from
the new source company stating what they are giving
him to dispose of. But, Martin should also have
fluid verified by his own analysis, for liability
and his protection.

Also, tanning process fluids are excluded Hazardous
waste under 261.4(b)

RECORD OF COMMUNICATION

☒ PHONE CALL ☐ DISCUSSION ☐ FIELD TRIP ☐ CONFERENCE
☐ OTHER (SPECIFY)

(Record of item checked above)

TO:

J. Carson

FROM:

Jay Chapman

DATE

7/23/93

TIME

3:35

SUBJECT

Sockla Fms #1

SUMMARY OF COMMUNICATION

Chapman (Sockla's lawyer) returned my call.

Wanted to know about industrial waste to be injected and possible future

liability to Sockla, etc. Told of well tests done and Montfort source. He didn't think Class I fluids sounded much worse than the Class II fluids.

MEMORANDUM OF CALL



EPA REGION VIII



TO:

John C.

PHONED BY

2

VISITED BY

0

ORGANIZATION

Jay Chapman

PHONE NUMBER

759-4004

PLEASE CALL ☒

WANTED TO SEE YOU ☐

WILL CALL AGAIN ☐

RETURNED YOUR CALL ☐

MESSAGE

Regarding Frank Sockla

I Left Message 7/13/93 & 7/16/93

DATE

07/09

TIME

3:28

RECEIVED BY

CJO

INFORMATION COPIES

TO:

SUBJECT: Well & facility inspection and witness of well tests prior to Authorization to Inject: Wright's Disposal, Inc. Suckla Farms #1 (Class I well, EPA Permit No. COS1516-2115)

INSPECTOR: John Carson

WITNESSES: Martin Wohnlich, Wright's Disposal, Inc.
Ken Mersfelder, Colorado Frac Tank, Inc.
Andrew Peterson, Peterson Energy Management, Inc.

7/9/93 - Conducted MIT at 10:40 a.m. 300 psi tubing pressure, 610 psi on annulus. Pressure held for 45 min. Frank Suckla visited well site during test. Pressure fall-off test data had been recorded on previous day.

Start SRT at 12:50 p.m. Stopped test after 125 min. due to blown radiator neck on pump truck. Another truck brought out. This was at 6th step of test at 8 BPM at 1180 psi at 3:00 p.m. Start up again at 4:00 p.m. at 5 BPM at 1800 psi. Ran to 5:23 p.m. on step 7, up to 8.5 BPM at 3700 psi, with no formation breakdown. Shut-in pressure when test stopped was 620 psi (Peterson said the rest of the pressure loss from 3700 psi was friction pressure. i.e., it took 620 psi to inject 8.5 BPM).

7/12/93 - RATS and Temperature Log run by Oil Well Perforators, Inc. Tubing pressure during RATS survey was 200 psi. Perfs. at 9276-9418 ft. Released first slug at 700 ft. at 11:00 a.m. Pumping rate 200 ft/min. Followed slug down with detector. Released 2nd and 3rd slugs and followed. Set detector above perfs. Also set below perfs, but not completely due to short rat hole. Technique after releasing 1st slug uphole was to run detector fast below slug, then pull up slowly until finding sinking slug. Repeated numerous times on slugs way to perfs.

Ran Temperature Log after RATS survey, while injecting and after shut-in for two hours, and again after shut-in for four hours.

Martin needs a letter from EPA stating that EPA has authority of operation after trucks arrive at facility. In order to short circuit problems raised by Weld County.

Can they put Monfort fluids in the new Class II fluid tank, instead of placing in a separate tank before commingling fluids? This would require another tank, pumps, lines, etc. The permit was checked, and it does not specify a separate tank, only that the amount of Class I fluids be recorded. This would be done through the delivery tickets and recorded.

The well now injects around 2500 BWD at a constant 900 psi surface pressure. This pressure has never been exceeded since injection began in 1991. When well is shut-in, pressure drops to 600 psi.

Storage facility has seven 400-bbl tanks and one 300-tank to hold the oil from the skimming tank. Two Triplex injection pumps in pump house. Fluids are filtered three times prior to going to a 300-bbl holding tank before being pumped through buried line to well head.

A Halliburton MC-2 Flow meter in pump house. Ken says a continuous chart recorder will be hooked up to this for continuous monitoring.

Martin gave me copy of Monfort fluid analysis of brine from their hide tanning process. Has been disposed of in well in Wyoming. Monfort has a 90-bbl and a 60-bbl holding tank. They have 250 to 400 barrels per week to dispose of.

Peggy

2/23/93

OK Adam Babich no longer representing Suckla Farms.
He has taken job in Wash. D.C.

OK Kathy Ledsen (SP?) who used to be with EPA
has taken over Suckla case.

Ask about Weld County Special Use permit.

Colorado Dept. of Health told Martin up to EPA
→ Not EPA Concern - Peggy

RECORD OF COMMUNICATION		<input checked="" type="checkbox"/> PHONE CALL <input type="checkbox"/> DISCUSSION <input type="checkbox"/> FIELD TRIP <input type="checkbox"/> CONFERENCE <input type="checkbox"/> OTHER (SPECIFY)	
(Record of item checked above)			
TO: V. Carson	FROM: Martin Wohnlich	DATE: 1/22/93	
988-4500	Wright's Disposal	TIME: 11:00	
SUBJECT: Suckla Farms #1 - Class I permit			
SUMMARY OF COMMUNICATION			
<p>Martin Wohnlich called to inform us that Frank Suckla (landowner) has filed a suit against Wright's Disposal, Inc.</p> <p>Suckla's lawyer claims that toxic materials have been injected (in the past) in the Suckla Farms #1.</p> <p>Also, lawyer claims that Wright's must obtain a "Certificate of Designation" permit or approval from Weld County for well to inject Class I fluids.</p> <p>Told Martin how our permit was worded regarding any other permit required, etc. He was going to contact Ed DiMatteo and Peggy Livingston also regarding legal aspects.</p>			
CONCLUSIONS, ACTION TAKEN OR REQUIRED			
<p>I said we had not heard back from H.Q. about the petitions to the Final Permit. He said he had called H.Q. and was told a ruling would be issued in early 1993. Also said that Suckla's lawyer had given Wright's lawyer the impression that the petitions would be denied, which may have triggered filing the suit by Suckla.</p>			
FOR INFORMATION COPIES TO:			